

Regulations

Federal Clean Water Act – Mandated Road BMPs for Wetlands

1. Roads and trails for forestry in U.S. waters must be minimal in number and area, consistent with silvicultural operations and topographic and climate conditions.
2. All roads must be far enough from streams or water bodies (except those crossing these waterways) to minimize dredge/fill discharge in U.S. waters.
3. Road fill must be bridged, culverted or otherwise designed to prevent the restriction of expected high flows.
4. The fill must be properly stabilized and maintained during and following construction to prevent erosion.
5. Discharges of dredge/fill material into U.S. waters to construct road fill must be done so as to minimize the encroachment of trucks, tractors, bulldozers or other heavy equipment within (into) U.S. waters and wetlands that lie outside the lateral boundaries of the fill.
6. In designing, construction and maintaining roads, negative disturbance in U.S. waters must be kept to a minimum.

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7. The design, construction and maintenance of the road crossing must not disrupt the movements of aquatic species living in the water body.
8. Borrow material must be taken from upland sites when feasible.
9. Discharges must not take, jeopardize, adversely modify or destroy the critical habitat of threatened or endangered species as defined under the Endangered Species Act.
10. Discharges into wetlands and into breeding, nesting and spawning areas for waterfowl must be avoided if less harmful alternatives exist.
11. Discharges must not be located in the proximity of a public water supply intake.
12. Discharges must not occur in areas of concentrated shellfish production.
13. Discharges must not occur in part of the National Wild and Scenic Rivers System.
14. Discharges must not contain toxic pollutants in toxic amounts.
15. Temporary fills must be entirely removed and the area restored to its original elevation.

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Silvicultural Operations in Chesapeake Bay Preservation Areas

Silvicultural activities in Chesapeake Bay Preservation Areas are exempt from [the] regulations provided that [the] silvicultural operations adhere to water quality protection procedures prescribed by the Department of Forestry in its *Forestry Best Management Practices Handbook for Water Quality in Virginia*. [Fifth Edition, May 2009, now titled *Virginia's Forestry Best Management Practices for Water Quality*.]

Check with the local Department of Forestry Office, local government zoning officer, or Virginia Department of Conservation and Recreation Chesapeake Bay Local Assistance Office for further information regarding this Law.

Silvicultural Water Quality Law

This section of the *Code of Virginia* (§10.1-1181.1 through 10.1-1181.7) refers to the Silvicultural Water Quality Law. This law gives the State Forester legal authority to protect water quality from excessive sedimentation originating from silvicultural operations on any stream in Virginia.

This law allows the State Forester to issue Special Orders or Emergency Special Orders that will require implementation

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of corrective measures, and to impose civil penalties of up to \$5,000 per violation, with each day of a continuing violation being considered a separate violation. These orders and penalties involve all owners and operators involved in the silvicultural activity.

The law also requires that operators notify the State Forester prior to the start of a silvicultural activity.

Please refer to the *Code of Virginia* for specific language regarding this law, or contact your local Department of Forestry field office for specific information regarding this law.

Debris in Streams Law

§ 62.1-194.2. Throwing trash, etc., into or obstructing river, creek, stream or swamp.

It shall be unlawful for any person to throw or otherwise dispose of trash, debris, tree laps, logs, or fell timber or make or cause to be made any obstruction which exists for more than a week (excepting a lawfully constructed dam) in, under, over or across any river, creek, stream, or swamp, so as to obstruct the free passage of boats, canoes, or other floating vessels, or fish in such waters. The provisions of this section shall be enforceable by duly authorized state and local law-enforcement officials and by conservation police officers whose general

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police power under § 29.1-205 and forest wardens whose general police powers under § 10.1-1135 shall be deemed to include enforcement of the provisions of this section. Violations of this section shall be punishable as a misdemeanor under § 18.2-12; and each day for which any violation continues without removal of such obstruction, on and after the tenth day following service of process on the violator in accordance with § 19.2-75, shall constitute a separate offense punishable as a misdemeanor under § 18.2-12.

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